

## REMARKS

In response to the above-identified Office Action, Applicant traverses the Examiner's rejection to the claims and seeks reconsideration thereof. Claims 1-14 are now pending in the present application. Claims 1-6 are withdrawn. In this response, Claim 7- 11 and 13-14 have been amended, no claims have been added and no claims have been cancelled.

### **I. Claim Amendments**

Applicant respectfully submits herewith amendments to Claims 7- 11 and 13-14. Claims 7 and 11 have been amended to recite a "high magnetic anisotropy" in response to the Examiner's rejection of the claims under 35 U.S.C. §112, second paragraph. Claims 7 and 11 have also been amended to recite a "high magnetic anisotropy energy" for consistency with the above-referenced amendment. The amendments are supported by the specification, for example, on page 12, lines 1-6. Claims 9 and 13 have been amended to correct an informality noted by the Examiner. Additionally, Claims 7- 11 and 13-14 have been amended to conform to U.S. practice. Since the amendments to the claims do not add new matter and are supported by the specification, Applicant respectfully requests they be entered accordingly.

### **II. Claim Objections**

In the outstanding Office Action, the Examiner objects to Claims 9 and 13 because of the following informalities: in line 3 of Claims 9 and 13, it appears that "CO" should be -Co-. Applicant respectfully submits the attached amendments to Claims 9 and 13 in which "CO" has been amended to recite "Co" as requested by the Examiner. In view of the foregoing, Applicant respectfully requests reconsideration of the objection to Claims 9 and 11 and entry of the amendments.

### **III. Claim Rejections – 35 U.S.C. §112, second paragraph**

In the outstanding Office Action, the Examiner rejects Claims 7-14 under 35 U.S.C. §112, second paragraph, as being vague and indefinite because "big" is a relative term of degree and the specification does not appear to define the limits of "big magnetic anisotropy." In response, Applicant amends Claims 7 and 11 to recite a "high magnetic anisotropy." The specification recites a high magnetic anisotropy energy may

be about  $7 \times 10^7$  erg/cm<sup>3</sup>. See Application, page 12, lines 3-4. Thus, the specification clarifies that a "high magnetic anisotropy" would, for example, have an energy of about  $7 \times 10^7$  erg/cm<sup>3</sup>. For at least the foregoing reasons, Claims 7 and 11 and their dependent claims are in compliance with 35 U.S.C. §112, second paragraph. Applicant respectfully requests withdrawal of the rejection of Claims 7-14 under 35 U.S.C. §112, second paragraph.

#### **IV. Claim Rejections – 35 U.S.C. §102(b)**

In the outstanding Office Action, Claims 7-9 and 11-13 are rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent 5,863,649 issued to Hirokane et. al. ("Hirokane"). Applicant respectfully traverses the rejection for at least the following reasons.

It is axiomatic to a finding of anticipation that each and every element of the claims are taught by the references. The present application claims a method for fabricating a magneto-optical storage medium having a sublayer, comprising steps of, forming the sublayer made up of an alloy containing a transition metal, forming a recording layer on which information is recorded and stored, and performing thermal treatment on the sublayer, wherein a crystalline structure of the sublayer is changed into a crystalline structure that has a high magnetic anisotropy by the step of performing the thermal treatment, so that a magnetic anisotropy energy of the sublayer is coupled to the recording layer.

In regard to Claims 7 and 11, Hirokane fails to teach or suggest at least the elements of performing thermal treatment on the sublayer, wherein a crystalline structure of the sublayer is changed into a crystalline structure that has a high magnetic anisotropy by the step of performing the thermal treatment, so that a high magnetic anisotropy energy of the sublayer is coupled to the recording layer as recited in Claims 7 and 11.

The Examiner cites to several portions of Hirokane allegedly teaching each element of Claims 7 and 11 and suggests elements 3 and 5 of Hirokane teach a sublayer and recording layer, respectively. See Action, page 3, paragraph 6. Applicant has reviewed the portions of Hirokane cited by the Examiner and nowhere within these portions does Hirokane teach thermal treatment of reading-out layer 3 wherein the

crystalline structure of reading-out layer 3 is changed into a crystalline structure that has a high magnetic anisotropy such that a high magnetic anisotropy energy of reading-out layer 3 is coupled to recording layer 5. Although Hirokane teaches the state of the reading-out layer 3 may be altered by applying a high temperature, Hirokane does not teach that the crystalline structure of reading-out layer 3 is changed to a structure having a high magnetic anisotropy and a high magnetic anisotropy energy coupled to recording layer 5.

Moreover, such a teaching is not inherent within Hirokane. Hirokane teaches the reading-out layer 3 and the recording layer 5 are separated by an intermediate layer 4. See Hirokane, Abstract; Col. 7, lines 16-20. Accordingly, the intermediate layer 4 weakens any magnetic anisotropy energy coupled between the reading-out layer 3 and the recording layer 5. Thus, even if it were possible that Hirokane teaches a high magnetic anisotropy, it would not be possible to couple the high magnetic anisotropy energy of the reading-out layer 3 to the recording layer 5.

For at least the foregoing reasons, Applicant respectfully submits Hirokane fails to teach all the elements of Claims 7 and 11. Since each and every element of Claims 7 and 11 are not taught by Hirokane, anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 7 and 11 under 35 U.S.C. §102(b).

In regard to Claims 8-9 and 12-13, these claims depend from Claims 7 and 11 respectively and incorporate the limitations thereof. Thus, for at least the reasons discussed above in regard to Claims 7 and 11, Hirokane does not anticipate these claims. Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 8-9 and 12-13 under 35 U.S.C. §102(b).

#### **V. Allowable Subject Matter**

Applicant respectfully acknowledges the Examiner's recognition that Claims 10 and 14 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph. Applicant respectfully submits the attached amendments to Claims 7 and 11 overcome the rejection under 35 U.S.C. §112, second paragraph. Moreover, for at least the reasons discussed above, Claims 7 and 11 are not anticipated by Hirokane. Claim 10 depends from Claim 9 which depends from Claim 7 and Claim 14

depends from Claim 13 which depends from Claim 11. Thus, at least for the reason that Claims 10 and 14 depend from allowable base claims (7 and 11 respectively), Claims 10 and 14 are in condition for allowance without being rewritten to include all the limitations of the base claim and any intervening claims.

CONCLUSION

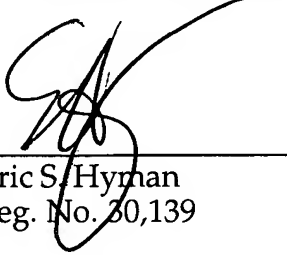
In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: September 8, 2005

By: \_\_\_\_\_

  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on September 8, 2005.

  
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Jean Svoboda